

POSSIBLE CHANGES TO REGULATIONS FOR GEAR

Due to bills passed by the General Assembly during the 2016 Session, the Department must write regulations for a number of gears. The Sport Fish/Tidal Fish Gear Workgroup met on June 30, 2016 to discuss the gears and the potential rules. The following changes are being considered:

1) Finfish Trotlines (Commercial Use) — House Bill 63 provides the Department the ability to regulate the use of commercial finfish trotlines. Previously, the legality of the use of finfish trotlines by commercial licensees was vague due to multiple statutory interpretations. The rules the Department is considering are:

- Length – 1,200 foot maximum per trotline
- Number of trotlines – no limit
- No limit on number of hooks – let users self-regulate, allow the total length limit to limit the number
- Depth – must be set in water no less than 6 feet deep at mean low tide, must be set at least 6 feet below water surface
- Minimum hook size: 5/0
- Floats – make the rules the same as crab trotline floats
- Type of hooks – require circle hooks
- Bait limitations – prohibit all live bait
- Season/area restrictions – from March 1 to June 15, must set baits on bottom, no suspended baits allowed; prohibit finfish trotline gear in mainstem of Bay below Bay Bridge, including Pocomoke and Tangier Sounds (protected shark issue)

2) Bowfishing (Commercial Use) — House Bill 1387/SB 1054 allows the Department to regulate the commercial use of bowfishing gear. Since the Department already has rules for bows in the recreational sector, the intention is to mirror the recreational rules for commercial users. The rules are largely intended to protect public safety, so it makes sense that the rules would be the same.

3) Giggling (Recreational Use in Tidal and Nontidal Waters) — House Bill 766 repealed the prohibition on the recreational use of gigs in tidal waters. The Department must now write rules for gigs in tidal waters in order for recreational users to be able to use the gear. Specifically, the Department will require a person to use the gig by hand (no mechanical devices) and will prohibit using a gig to catch trout, walleye, striped bass, striped bass hybrids, northern pike, muskellunge, muskellunge hybrids (including tiger musky), largemouth and smallmouth bass, snapping turtles, sharks, lobster and any species listed as threatened or endangered. The Department considered other rules such as requiring a retrieval line or safety zone, but is not pursuing those restrictions because gigs are hand-held and do not present the same safety issues as other projectile gear (bows and spear guns). The Department will also change the requirements for gigs in nontidal waters to be consistent with the rules in tidal water.

4) Write rules for Slat Baskets, Bush Bobs, Bank Poles, and Dip Nets (Recreational Use in Nontidal Waters) — House Bill 766 repealed the rules on slat baskets, bush bobs, bank poles, and dip nets in nontidal waters. The Department therefore needs to write rules for these gears.

- Prior to HB 766, slat baskets – which are the same gear as eel pots – were prohibited in nontidal waters. The Department will continue to prohibit slat baskets in nontidal waters.
- Bush bobs and bank poles were originally allowed in Allegany and Washington counties and in the Potomac and Monocacy rivers in Frederick and Carroll counties. However, the statutory rules regarding their use were problematic with regards to the species that were allowed, and staff presented public safety concerns regarding these gears. As such, the Department is scoping eliminating the use of these gears in nontidal waters to 1) eliminate the possibility of individuals accidentally breaking the law; 2) to protect more sensitive species from over-harvest; and 3) to protect public safety.
- Dip nets had been allowed in the Susquehanna River and in Allegany and Washington counties and in the Potomac and Monocacy rivers in Frederick and Carroll counties. Because the traditional fishery in the Susquehanna was for shad and herring, and because there is no open season for either species, the Department will no longer allow the use of dip nets in the nontidal portion of the Susquehanna. However, the traditional fishery in the western portion of the state centers on suckers. Therefore, the Department proposes to allow the use of dip nets in the Potomac and Monocacy rivers and Conococheague Creek in Washington, Allegany, Frederick, and Carroll counties, but only for the harvest of suckers, carp, catfish, and Northern snakehead. This will allow the traditional fishery to remain, but address biologist concerns of using dip nets to target species such as largemouth and smallmouth bass.

5) Change the Definition of “Bow” to “Archery Equipment” (Commercial and Recreational Use) — This is a housekeeping action to better characterize the gear that people are using. The Department would like to change the definition from bow to archery equipment. Archery equipment better encompasses the gear that individuals use and is consistent with terminology used by the Wildlife and Heritage Service. The definition includes vertical and cross bows.